

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14579 OF 2017

ORDER:

This writ petition is filed challenging the action of the 4th respondents in trying to demolish and evict the petitioners from their respective dwelling houses without passing orders on their explanations dated 08.04.2017 pursuant to the notice dated 06.04.2017, as illegal and arbitrary and for a consequential direction to set aside the same and direct the respondents not to evict the petitioners from their respective dwelling houses in Undavalli Village, Tadepalli Mandal, Guntur District.

Learned counsel for the petitioners submits that respondents have no jurisdiction to initiate proceedings under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act') in view of the judgment reported in ***Karre Iylamma v. Commissioner, Kapra Municipality, Ranga Reddy District and others***¹ .

Learned Assistant Government Pleader for Revenue submits that petitioners have alternate remedy of Appeal under Section 10 of the Act against the impugned order, which is not disputed by the learned counsel for the petitioners.

It is to be seen that petitioners were already issued notices under Section 7 of the Act, and petitioners also filed explanation in pursuant to the said notices and thereafter respondents passed orders on 15.04.2017 under Section 6 of the Act.

¹ 2003 (2) ALD 621

Since petitioners have alternate remedy of Appeal under Section 10 of the Act against the impugned orders, I am not inclined to entertain the writ petition. However, since learned counsel for the petitioners submits that even before the expiry of appeal time, the respondents are trying to demolish the structures of the petitioners, there shall be stay of demolition for a period of four (4) weeks from today, enabling the petitioners to avail alternate remedy of Appeal.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

21.04.2017
dv



A.RAJASHEKER REDDY, J